

FILED
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JUN 04 2020 DB/TB

IN THE DISTRICT COURT IN AND FOR TULSA COUNTY
STATE OF OKLAHOMA

RODE LAW FIRM CN

TIA WILLIAMS, an individual,

Plaintiff,

v.

CHRISTOPHER RATHGEBER, an
individual; TERESA ANNETT SMITH, an
individual; and EAN HOLDINGS, LLC, a
foreign limited liability company, d/b/a
ENTERPRISE RENT-A-CAR, d/b/a
ENTERPRISE,

Defendants.

63-2020-01784

Case No.:

Judge: Doug Drummond

DISTRICT COURT
FILED

JUN - 4 2020

DON NEWBERRY, Court Clerk
STATE OF OKLA. TULSA COUNTY

Attorney Lien Claimed

PLAINTIFF'S PETITION

COMES NOW, Plaintiff Tia Williams (hereinafter "Plaintiff") and for her claims against Defendant Christopher Rathgeber (hereinafter "Defendant C Rat"), Defendant Teresa Annett Smith (hereinafter, "Defendant Smith"), and Defendant Ean Holdings, LLC, d/b/a Enterprise Rent-A-Car, d/b/a Enterprise (hereinafter, "Defendant Enterprise") alleges and states as follows:

1. On or about August 8, 2018, Plaintiff was a passenger in a 2008 Honda Accord heading south on South Lewis Avenue approaching the intersection with East 61st Street in Tulsa, Tulsa County, Oklahoma and driven by Defendant Smith.

2. On or about August 8, 2018, Defendant C Rat was driving a 2017 Chevrolet Cruz north on South Lewis Avenue and was making a left-hand turn to go west on East 61st Street.

3. The 2017 Chevrolet Cruz was owned or leased by Defendant Enterprise.

4. A collision occurred between the 2008 Honda Accord and the 2017 Chevrolet Cruz in the intersection of South Lewis Avenue and East 61st Street.

5. The collision occurred in the southbound lane of South Lewis Avenue and the westbound lane of East 61st Street.

6. The front portion of the 2008 Honda Accord collided with the passenger side of the 2017 Chevrolet Cruz.

7. The 2008 Honda Accord t-boned the 2017 Chevrolet Cruz.

8. The northbound and southbound lanes of South Lewis Avenue are controlled by signal lights at the intersection with East 61st Street.

9. The northbound lane of South Lewis Avenue has a separate left turn lane at the intersection with East 61st Street.

10. The separate left turn lane on northbound South Lewis Avenue at the intersection with East 61st Street is controlled by a signal light with a green turn arrow.

11. Traffic turning left from northbound South Lewis Avenue at the intersection with East 61st Street have the right-of-way when a green arrow is showing.

12. Traffic turning left from northbound South Lewis Avenue at the intersection with East 61st Street must yield to southbound South Lewis Avenue traffic when a solid green circle is showing for the left-turning traffic.

13. Defendant C Rat was in the separate left turn lane on northbound South Lewis Avenue at the intersection with East 61st Street.

14. Defendant C Rat stated to investigating officer Ralston, that he had a left green arrow controlling his left-turn from northbound South Lewis Avenue to westbound East 61st street. See Official Oklahoma Traffic Collision Report attached hereto as Exhibit "A."

15. Defendant Smith stated to investigating officer Ralston, that she had a solid green circle controlling her direction of travel southbound on South Lewis Avenue. See Official Oklahoma Traffic Collision Report attached hereto as Exhibit "A."

16. Independent Witness David Helm was stopped at the red light for westbound East 61st Street at the intersection with South Lewis Avenue. See Official Oklahoma Traffic Collision Report attached hereto as Exhibit “A.”

17. Independent Witness David Helm stated to investigating officer Ralston that his controlling light turned green within 3-5 seconds after the collision occurred. See Official Oklahoma Traffic Collision Report attached hereto as Exhibit “A.”

18. Investigating Officer Ralston investigated the signal light sequencing at the intersection of South Lewis Avenue and East 61st Street and noted northbound South Lewis Avenue traffic turning left at East 61st Street received a green turn arrow only at the beginning of the cycle. See Official Oklahoma Traffic Collision Report attached hereto as Exhibit “A.”

19. Defendant C Rat, and Defendant Smith, in conjunction or separately, were negligent in the operation of their vehicles in that one or more:

- a. breached a duty to use ordinary care to prevent injury to others;
- b. failed to keep a proper lookout;
- c. drove carelessly;
- d. was inattentive;
- e. was driving too fast for conditions;
- f. failed to yield the right-of-way;
- g. was grossly negligent;¹ and
- h. was negligent per se.

¹ 25 O.S. § 6 – Types of Negligence defined. Slight negligence consists in the want of great care and diligence; ordinary negligence in the want of ordinary care and diligence; and gross negligence in the want of slight care and diligence.

20. On or about August 8, 2018, Defendant C Rat, and Defendant Smith, in conjunction or separately, operated their vehicles negligently, in reckless disregard for the safety of others, and in violation of state statutes and caused the collision.

21. Defendant C Rat, and Defendant Smith, in conjunction or separately, were negligent per se in that one or more violated the following statutes:

a. 47 O.S. § 11-402: **Vehicle Turning Left:** The driver of a vehicle intending to turn to the left shall yield the right-of-way to any vehicle approaching from the opposite direction which is so close thereto when initiating such turn as to constitute an immediate hazard.

b. 47 O.S. § 11-801: **Basic Rule – Maximum (Speed) Limits – Fines and Penalties:** Any person driving a vehicle on a highway shall drive the same at a careful and prudent speed not greater than nor less than is reasonable and proper, having due regard to the traffic, surface and width of the highway and any other conditions then existing. No person shall drive any vehicle upon a highway at a speed greater than will permit the driver to bring it to a stop within the assured clear distance ahead.

c. 47 O.S. § 11-901: **Reckless Driving:** It shall be deemed reckless driving for any person to drive a motor vehicle in a careless or wanton manner without regard for the safety of persons or property or in violation of the conditions outlined in Section 11-801 of this title.

d. 47 O.S. § 11-901b: **Full Time and Attention to Driving:** The operator of every vehicle, while driving, shall devote their full time and attention to such driving.

e. Tulsa Revised Ordinance Title 37 § 606. – **Traffic Control Signal Lights:** Wherever vehicular traffic movement is controlled by an official traffic-control signal light device exhibiting green, yellow or red colored lights successively, such device shall control and

be obeyed, as herein provided. A. Vehicular traffic facing the green signal shall proceed right, left or straight through, unless a sign at such place prohibits any such movements; provided that the right-of-way shall be yielded to other vehicles or pedestrians lawfully in the intersection or signalized location, and a vehicle which enters on a green signal may complete such movement with safety even after the yellow or red signals appear. B. Vehicular traffic facing a steady yellow signal is thereby warned that the red "stop" signal shall be exhibited immediately thereafter and such vehicular traffic shall not be crossing the intersection or signalized location when such red signal is successively exhibited. C. Vehicular traffic facing a steady red signal shall stop before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection or signalized location, and shall remain standing until the green signal is shown alone, or, while the signal is still red, vehicular traffic may turn right, or turn left from a one-way street into a one-way street, from the appropriate lane after coming to the required stop, unless such turn on red is prohibited by a official sign. Such vehicular traffic making a turn on red shall yield the right-of-way to pedestrians lawfully within a crosswalk and to other traffic lawfully using the intersection. D. Vehicular traffic in a proper lane with a steady green arrow directional signal light or steady red with green arrow signal shall move as indicated by the pointing of the arrow to the left, right or straight ahead, and shall cautiously enter the intersection or signalized location only to make the movement indicated by such arrow but shall yield the right-of-way to pedestrians lawfully within a crosswalk and to other traffic lawfully using the intersection.

f. Tulsa Revised Ordinance Title 37 § 633. - **Turning vehicles – right-of-way:** Vehicles turning left shall yield the right-of-way to all vehicles proceeding straight ahead or making a right turn which are so close as to constitute an immediate hazard.

g. Tulsa Revised Ordinance Title 37 § 645: **Inattentive driving:** A. It shall be unlawful and an offense for any driver to fail to remain alert and give full attention to the safe operation of his vehicle while it is in motion. B. It shall be unlawful and an offense for any driver to engage in any activity while driving that interferes with the safe control of his vehicle. C. It shall be unlawful and an offense for any person to engage in any activity or to do any act which interferes with a driver's safe operation of a vehicle.

h. Tulsa Revised Ordinance Title 37 § 647: **Reckless driving:** It shall be deemed reckless driving for any person to drive a vehicle in a careless or wanton manner without regard for the safety of persons or property or in violation of the conditions outlined in Section 618.

22. Defendant C Rat plead guilty to driving 20-25 mph over the speed limit for an offense date 1/1/2013 in Missouri court case number 091376341.

23. Defendant C Rat was charged with DWI – alcohol for an offense date 4/5/2014 in Missouri court case number 14PH-CR00584.

24. Defendant C Rat was charged with driving 20-25 mph over the speed limit for an offense date 8/26/2016 in Missouri court case number 702144019.

25. Defendant C Rat was charged with operating a motor vehicle owned by another knowing the owner had not maintained financial responsibility for an offense date 8/26/2016 in Missouri court case number 702144018.

26. Defendant C Rat was charged with Operating a Vehicle on a Highway without a Valid License for an offense date 8/26/2016 in Missouri court case number 16DE-CR00553.

27. Defendant C Rat's Missouri license was suspended sometime after it was issued or renewed on 8/5/2011.

28. Defendant C Rat's Missouri license was suspended sometime after it was issued or renewed on 8/5/2016.

29. Defendant C Rat's Missouri license was suspended sometime after it was issued or renewed on 8/29/2017.

30. Upon information and belief, Defendant C Rat was required to wear corrective lenses when driving.

31. Upon information and belief, Defendant C Rat rented the 2017 Chevrolet Cruz from Defendant Enterprise.

32. Upon information and belief above, Defendant C Rat did not have a valid license on the date of the collision.

33. Upon information and belief above, Defendant C Rat did not have a valid license when he rented the 2017 Chevrolet Cruz from Defendant Enterprise.

34. Defendant Enterprise knew, or should have known, of Defendant C Rat's propensity to drive over the speed limit when it rented the 2017 Chevrolet Cruz to Defendant C Rat.

35. Defendant Enterprise knew, or should have known, of Defendant C Rat's DWI-alcohol offense when it rented the 2017 Chevrolet Cruz to Defendant C Rat.

36. Defendant Enterprise knew, or should have known, that Defendant C Rat did not have a valid license when it rented the 2017 Chevrolet Cruz to Defendant C Rat.

37. Oklahoma Uniform Jury Instruction 10.16 – Negligent Entrustment, provides:

An owner [or provider] of a vehicle has a duty to use ordinary care to avoid lending it to another person whom he knows [or reasonably should know] is [intoxicated/careless/reckless/incompetent to drive].

See OUJI 10.16.

38. Defendant Enterprise is guilty of negligent entrustment.

39. Oklahoma Law provides liability for knowingly permitting operation of a vehicle by unqualified individual.

Any person as herein defined, who is the owner of any motor vehicle and knowingly permits such motor vehicle to be operated by any

person who is not qualified to operate a motor vehicle under the provisions of this act, **shall be held civilly liable as a joint tortfeasor** for any unlawful act committed by such operator.

See 47 O.S. § 607 - **Liability for Knowingly Permitting the Operation by a Person Not Qualified**

(bold emphasis supplied).

40. Oklahoma Law also states, in pertinent part:

The liability of one who knowingly permits a careless, reckless, or otherwise incompetent driver to operate his automobile, for damages resulting therefrom is recognized in this jurisdiction.

Berg v. Bryant, 1956 OK 336, ¶ 5, 305 P.2d 517.

41. Defendant Enterprise knowingly permitted use of the 2017 Chevrolet Cruz by an unqualified operator.

42. Defendant Enterprise knowingly permitted use of the 2017 Chevrolet Cruz by a careless, reckless, or otherwise incompetent driver.

43. Defendant Enterprise's actions were done with the want of slight care and diligence.

44. Defendant Enterprise's actions rise to the level of gross negligence as defined by 25 O.S. § 6.

45. Defendant Enterprise's actions were wrongful acts done intentionally without just cause or excuse.

46. Defendant Enterprise is liable for the damages resulting from negligent entrustment.

47. Defendant Enterprise is liable as a joint tortfeasor for the damages resulting from Defendant C Rat's negligence.

48. Defendant C Rat's, Defendant Smith's, and Defendant Enterprises negligence, in conjunction or separately, was the sole and proximate cause of the collision.

49. Plaintiff, as a passenger, has no liability for the collision.

50. Because Plaintiff is fault-free and cannot identify which one or more of the Defendants is at fault for causing the collision, the doctrine of alternative liability is applicable. See, *Hood v. Hagler*, 1979 OK 163, 606 P.2d 548. See also, *Freeman Family Ranch, Ltd. v. Maupin Truck Sales, Inc.*, Order dated October 13, 2010, (W.D. Okla.).

51. At the scene, Defendant C Rat stated to Plaintiff, "I'm sorry."

52. As a result of the collision, the side airbag deployed in the 2017 Chevrolet Cruz. See Official Oklahoma Traffic Collision Report attached hereto as Exhibit "A."

53. As a result of the collision, the 2008 Honda Accord sustained property damage in excess of its fair market value and was declared a total loss, and said property damage was paid on behalf of Defendant C Rat by the liability carrier, USAA Insurance Company.

54. At the scene of the collision, Defendant C Rat was issued citation number 7429381 in violation of Tulsa Revised Ordinance Title 37 § 633. - Turning vehicles – right-of-way. See Official Oklahoma Traffic Collision Report attached hereto as Exhibit "A."

55. Defendant C Rat's, Defendant Smith's, and Defendant Enterprises negligence, in conjunction or separately, was the sole and proximate cause of Plaintiff's injuries.

56. At the scene of the collision, Plaintiff complained of injuries to her knees from striking the glove box during the collision. See Official Oklahoma Traffic Collision Report attached hereto as Exhibit "A."

57. Plaintiff is 39 years of age (DOB: xx/xx/1981) and has a life expectancy of 44.6 more years. See pp. 44-45 from the Life Expectancy Tables from IRS Publication 590-B (2018) attached hereto as Exhibit "B."

58. As a result of this collision, Plaintiff suffered personal injury to her body of a permanent and lasting nature, including but not limited to injuries to her cervical, thoracic, and lumbar spines, with cervical disc injuries that require surgery, left knee and right knee injuries which requires

arthroscopic surgery to the right knee, bilateral wrist injuries resulting in carpal tunnel syndrome, suffered physical pain, past and future; mental anguish, past and future; and has been forced to incur medical expenses, past and future; the loss of household services, past and future; all in a sum in excess of the amount required for diversity jurisdiction pursuant to section 1332 of title 28 of the United States Code.

59. Pursuant to 12 O.S. 3226(A)(2), Plaintiff provides initial disclosures as follows:

a. Plaintiff is 39 years of age (DOB: ##/##/1981) and according to life expectancy tables she has a life expectancy of 44.6 more years.

b. Physical Pain and Suffering

Past:	To be proven at time of trial
Future:	To be proven at time of trial

c. Mental Pain and Suffering

Past:	To be proven at time of trial
Future:	To be proven at time of trial

d. Physical Condition Immediately
Before and After the Wreck:

To be proven at time of trial

e. The Nature and Extent of her Injuries: To be proven at time of trial

f. Whether the Injuries are Permanent: To be proven at time of trial

g. The Physical Impairment: To be proven at time of trial

h. Disfigurement To be proven at time of trial

i. The Reasonable Expenses of the Necessary
Care, Treatment, and Services

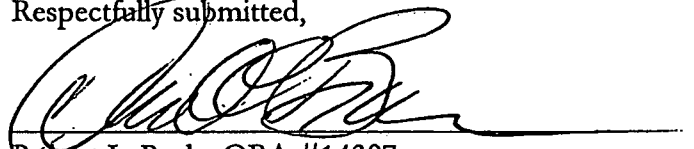
Past:	An Amount in excess of \$11,000.00
Future Surgery:	To be proven at time of trial

60. Plaintiff agrees to make available for inspection and copying, at the office of Plaintiff's counsel, the documents or other evidentiary material, not privileged or protected from disclosure, on

which the above computations are based, including materials bearing on the nature and extent of injuries suffered at a mutually agreed time for Defendants and Plaintiff.

WHEREFORE, Plaintiff prays that she be granted judgment against Defendants for the total sum of Plaintiff's damages caused by or sustained as a result of Defendants' negligence in a sum in excess of the amount required for diversity jurisdiction pursuant to section 1332 of title 28 of the United States Code, plus such costs, prejudgment interest, and other such relief this Court deems just and equitable.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'Robert L. Rode', written over a horizontal line.

Robert L. Rode, OBA #14307
David C. Bean, OBA # 12556
Teofilo A. Diaz, OBA # 30372
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Tulsa, OK 74119
918-599-8880
Fax: 918-599-8863
Attorneys for the Plaintiff

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DO NOT WRITE IN THIS SPACE

OFFICIAL OKLAHOMA TRAFFIC COLLISION REPORT

Incident Report

Investigation Completed

Investigation Made at Scene

Photographs

Y N

☒ ☐☒ ☐☒ ☐☒ ☐☒ ☐

Y N

Revised ☒ ☐Fatality ☒ ☐Hit and Run ☒ ☐

(1) Reporting Agency TULSA POLICE DEPARTMENT		Case Number (Agency Use) 2018047725		Motor Vehicles Involved 02		Number Injured 02		Number Killed 00							
(2) Date of Collision (mm/dd/yyyy) 08/08/2018		Time 1614		County Number and Name 72 TULSA		Nearest City or Town Number and Name In <input checked="" type="checkbox"/> 50 TULSA									
(3) Distance from Nearest City or Town Limits ML <input type="checkbox"/> N <input type="checkbox"/> S <input type="checkbox"/> FL <input type="checkbox"/> E <input type="checkbox"/> W <input type="checkbox"/>		Control # 00		Int ID 00		Location 00		East Ord 037		North Ord 030		Administrative 0 PARIS			
(4) Street, Road or Highway SOUTH LEWIS AVENUE		Distance from At <input checked="" type="checkbox"/> of		MI <input type="checkbox"/> N <input type="checkbox"/> E <input type="checkbox"/> S <input type="checkbox"/> W <input type="checkbox"/> FL <input type="checkbox"/>		(Nearest) Intersecting Street, Road or Highway EAST 61ST STREET									
(5) Unit 01		Occupants Type 01		Last Name RATHGEBER		First CHRISTOPHER		Middle SCOTT		Date of Birth (mm/dd/yyyy) [REDACTED]		Sex M			
(6) Address 11114 COUNTY ROAD 5240		City ROLLA		State MO		Zip 65401		Telephone (Use Area Code) [REDACTED]							
(7) Driver License Number [REDACTED]		State MO		Class F		Endorsement(s) [REDACTED]		Restriction(s) A		Inj. Sev. 1		Type of Injury 0			
(8) Ejected <input type="checkbox"/> Exited <input type="checkbox"/> Test <input type="checkbox"/> (1/5 BAC) <input type="checkbox"/> Transported by [REDACTED]		To Medical Facility [REDACTED]		License Plate Number 912VTI		State AR		Month 07		Year 2018					
(9) VIN 1G1BE5SM3H7150509		Vehicle Year 2017		Color SIL		2nd Color 0		Make CHEV		Model CRUZ		Veh. Conf. 02			
(10) Insurance Company Name USAA INS.		Policy Number 035685738R71013		Insurance Telephone (Use Area Code) 8005318722											
(11) Vehicle Removed by [REDACTED]		Owner's Last Name EAN HOLDINGS		First [REDACTED]		Middle [REDACTED]		Suffix [REDACTED]							
(12) Owner's Address 2508 E ROOSEVELT RD		City LITTLE ROCK		State AR		Zip 72206		Towed Veh. Type 00		Rollover <input type="checkbox"/> Phone present <input checked="" type="checkbox"/>		Burned <input type="checkbox"/> Phone in use <input type="checkbox"/>			
(13) Citation Number 7429381		Statute/Ordinance Number 37 TRO 633		Citation Number [REDACTED]		Statute/Ordinance Number [REDACTED]									
(14) Unit 02		Occupants Type 02		Last Name SMITH		First TERESA		Middle ANNETT		Date of Birth (mm/dd/yyyy) [REDACTED]		Sex F			
(15) Address 6706 S SAINT LOUIS PL		City TULSA		State OK		Zip 74136		Telephone (Use Area Code) [REDACTED]							
(16) Driver License Number [REDACTED]		State OK		Class D		Endorsement(s) [REDACTED]		Restriction(s) [REDACTED]		Inj. Sev. 2		Type of Injury 2			
(17) Ejected <input type="checkbox"/> Exited <input type="checkbox"/> Test <input type="checkbox"/> (1/5 BAC) <input type="checkbox"/> Transported by REFUSED		To Medical Facility [REDACTED]		License Plate Number ETN318		State OK		Month 08		Year 2018					
(18) VIN 1HGCP36888A065015		Vehicle Year 2008		Color BLK		2nd Color 0		Make HOND		Model ACCO		Veh. Conf. 02			
(19) Insurance Company Name USAA INS.		Policy Number 029006568G7101		Insurance Telephone (Use Area Code) 8005318722											
(20) Vehicle Removed by [REDACTED]		Owner's Last Name [REDACTED]		First [REDACTED]		Middle [REDACTED]		Suffix [REDACTED]							
(21) Owner's Address [REDACTED]		City [REDACTED]		State [REDACTED]		Zip [REDACTED]		Towed Veh. Type 00		Rollover <input type="checkbox"/> Phone present <input checked="" type="checkbox"/>		Burned <input type="checkbox"/> Phone in use <input type="checkbox"/>			
(22) Citation Number [REDACTED]		Statute/Ordinance Number [REDACTED]		Citation Number [REDACTED]		Statute/Ordinance Number [REDACTED]									
(23) Investigating Officer Chris Ralston		Badge Number 01929		Trip/Div. Assigned RID		Trip/Div. Location RID		Reviewer (Init.) WDD		Reviewer Badge Number 01916		Date of Report (mm/dd/yyyy) 08/08/2018			
Unit Type D Driver P Pedestrian A Pedestrian C Motorcycle B Bicycle		Injury Severity 1 Not Applicable 2 Minor 3 Moderate 4 Severe 5 Fatal 6 Unknown		Type of Injury 1 Head 2 Trunk 3 Arm 4 Leg 5 Other 6 Unknown		Driver/Pedestrian Condition 01 Not Applicable 02 Appeared Normal 03 Appeared Impaired 04 Appeared Drunk 05 Under the Influence of 09 Drugged 06 Under the Influence of 10 Emotional 07 Very Tired 08 Other 09 Unknown		Occupant Protection (OP) In Use 01 Not Applicable 02 None Used 03 Lap Belt Only 04 Shoulder Belt Only 05 Shoulder and Lap Belt 06 Child Restraint Type Unknown 07 Child Restraint Type Unknown 08 Child Restraint Type Unknown 09 Child Restraint - Forward Facing 10 Booster Seat 11 Other 12 Unknown							
Air Bag Deployed 1 Not Deployed 2 Deployed - Front 3 Deployed - Side 4 Deployed - Other (Unknown)		Ejected 1 Not Ejected 2 Ejected 3 Ejected - Parachute 4 Ejected - Unknown		Exited 1 Not Exited 2 Exited 3 Exited - Unknown 4 Exited - Unknown		Chemical Test 0 Not Applicable 1 Blood 2 Breath 3 Blood/Alcohol 4 Test Refused 5 None Given 6 Other 7 Unknown		Extent of Damage 0 Not Applicable 1 None 2 Minor 3 Moderate 4 Severe 5 Other 6 Unknown		Insurance Verification 0 Not Applicable 1 None 2 Other 3 Other 4 Other 5 Other 6 Other 7 Other 8 Other 9 Other 0 Unknown		Circled Load 0 Not Applicable 1 None 2 Other 3 Other 4 Other 5 Other 6 Other 7 Other 8 Other 9 Other 0 Unknown		Towed Vehicle Type 01 Not Applicable 02 Boat Trailer 03 Boat Trailer 04 Boat Trailer 05 Boat Trailer 06 Boat Trailer 07 Boat Trailer 08 Boat Trailer 09 Boat Trailer 10 Boat Trailer 11 Boat Trailer 12 Boat Trailer 13 Boat Trailer 14 Boat Trailer 15 Boat Trailer 16 Boat Trailer 17 Boat Trailer 18 Boat Trailer 19 Boat Trailer 20 Boat Trailer 21 Boat Trailer 22 Boat Trailer 23 Boat Trailer 24 Boat Trailer 25 Boat Trailer 26 Boat Trailer 27 Boat Trailer 28 Boat Trailer 29 Boat Trailer 30 Boat Trailer 31 Boat Trailer 32 Boat Trailer 33 Boat Trailer 34 Boat Trailer 35 Boat Trailer 36 Boat Trailer 37 Boat Trailer 38 Boat Trailer 39 Boat Trailer 40 Boat Trailer 41 Boat Trailer 42 Boat Trailer 43 Boat Trailer 44 Boat Trailer 45 Boat Trailer 46 Boat Trailer 47 Boat Trailer 48 Boat Trailer 49 Boat Trailer 50 Boat Trailer 51 Boat Trailer 52 Boat Trailer 53 Boat Trailer 54 Boat Trailer 55 Boat Trailer 56 Boat Trailer 57 Boat Trailer 58 Boat Trailer 59 Boat Trailer 60 Boat Trailer 61 Boat Trailer 62 Boat Trailer 63 Boat Trailer 64 Boat Trailer 65 Boat Trailer 66 Boat Trailer 67 Boat Trailer 68 Boat Trailer 69 Boat Trailer 70 Boat Trailer 71 Boat Trailer 72 Boat Trailer 73 Boat Trailer 74 Boat Trailer 75 Boat Trailer 76 Boat Trailer 77 Boat Trailer 78 Boat Trailer 79 Boat Trailer 80 Boat Trailer 81 Boat Trailer 82 Boat Trailer 83 Boat Trailer 84 Boat Trailer 85 Boat Trailer 86 Boat Trailer 87 Boat Trailer 88 Boat Trailer 89 Boat Trailer 90 Boat Trailer 91 Boat Trailer 92 Boat Trailer 93 Boat Trailer 94 Boat Trailer 95 Boat Trailer 96 Boat Trailer 97 Boat Trailer 98 Boat Trailer 99 Boat Trailer 00 Boat Trailer	

WARNING - STATE LAW

Use of contents for commercial solicitation is unlawful

DPS: 0192-01 REV 0107

EXHIBIT

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Case Number 2018047725

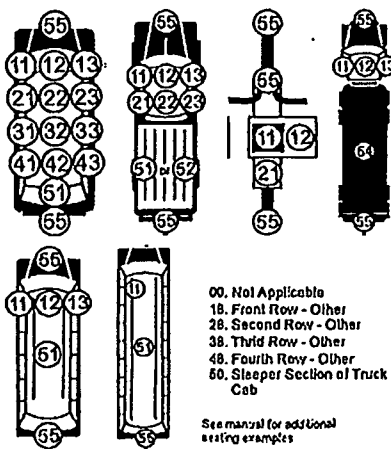
Pg 2 of 6

(24) Unit	Injured <input checked="" type="checkbox"/> Passenger <input checked="" type="checkbox"/> Witness <input type="checkbox"/> Prop. Owner <input type="checkbox"/>	Pos in Veh.	Last Name	First	Middle	Suffix	DOB(mm/dd/yyyy)	Sex
02		13	WILLIAMS	TIA	RENEE			F
(25) Address	City State Zip Telephone (Use Area Code)							
Same as Driver <input checked="" type="checkbox"/>								
(26) Injury Severity / Type	OP Use	Air Bag	Ejected	Extricated	Transported by	To Medical Facility	Property Type	
2 5	04	1	1	1	REFUSED			
(27) Unit	Injured <input checked="" type="checkbox"/> Passenger <input type="checkbox"/> Witness <input type="checkbox"/> Prop. Owner <input type="checkbox"/>	Pos in Veh.	Last Name	First	Middle	Suffix	DOB(mm/dd/yyyy)	Sex
00		00	HELM	DAVID				M
(28) Address	City State Zip Telephone (Use Area Code)							
Same as Driver <input checked="" type="checkbox"/> 5202 S LEWIS AVE 1002 TULSA OK 74105								
(29) Injury Severity / Type	OP Use	Air Bag	Ejected	Extricated	Transported by	To Medical Facility	Property Type	
(30) Unit	Injured <input type="checkbox"/> Passenger <input type="checkbox"/> Witness <input type="checkbox"/> Prop. Owner <input type="checkbox"/>	Pos in Veh.	Last Name	First	Middle	Suffix	DOB(mm/dd/yyyy)	Sex
(31) Address	City State Zip Telephone (Use Area Code)							
Same as Driver <input type="checkbox"/>								
(32) Injury Severity / Type	OP Use	Air Bag	Ejected	Extricated	Transported by	To Medical Facility	Property Type	
(33) Unit	Injured <input type="checkbox"/> Passenger <input type="checkbox"/> Witness <input type="checkbox"/> Prop. Owner <input type="checkbox"/>	Pos in Veh.	Last Name	First	Middle	Suffix	DOB(mm/dd/yyyy)	Sex
(34) Address	City State Zip Telephone (Use Area Code)							
Same as Driver <input type="checkbox"/>								
(35) Injury Severity / Type	OP Use	Air Bag	Ejected	Extricated	Transported by	To Medical Facility	Property Type	

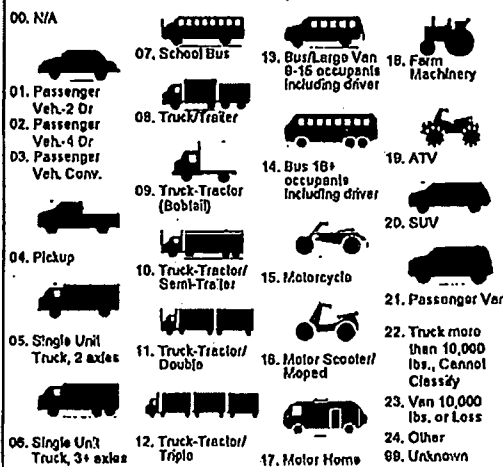
Complete information below if this vehicle is being used for COMMERCE/BUSINESS and has a GVWR/GCWR IN EXCESS OF 10,000 LBS, or has a HAZMAT PLACARD, or is a BUS WITH SEATING FOR NINE OR MORE INCLUDING THE DRIVER.

(36) Unit	Carrier Name	Address	
(37) City	State	Zip	
(38) U.S. DOT Number	NAI Report Number	Placard Number	GVWR <input type="checkbox"/> 0 - 10K lbs. GCWR <input type="checkbox"/> 10,001 - 26K lbs. 26K+ lbs.
	OK		Axle Qty. <input type="checkbox"/> Cargo Body <input type="checkbox"/> Vehicle Use <input type="checkbox"/> Interstate Commerce <input type="checkbox"/> Interstate Commerce <input type="checkbox"/> Other Non-Commercial <input type="checkbox"/> Government
(39) Unit	Carrier Name	Address	
(40) City	State	Zip	
(41) U.S. DOT Number	NAI Report Number	Placard Number	GVWR <input type="checkbox"/> 0 - 10K lbs. GCWR <input type="checkbox"/> 10,001 - 26K lbs. 26K+ lbs.
	OK		Axle Qty. <input type="checkbox"/> Cargo Body <input type="checkbox"/> Vehicle Use <input type="checkbox"/> Interstate Commerce <input type="checkbox"/> Interstate Commerce <input type="checkbox"/> Other Non-Commercial <input type="checkbox"/> Government

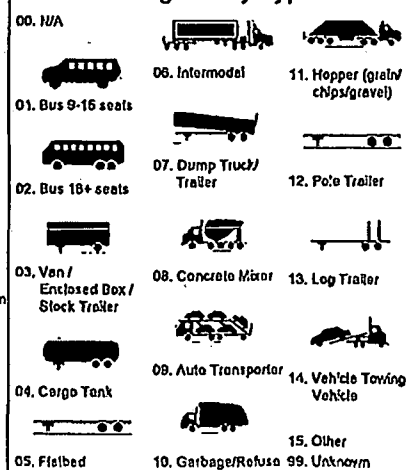
Position in Vehicle



Vehicle Configuration



Cargo Body Type



Case Number 2018047725

OFFICIAL OKLAHOMA TRAFFIC COLLISION REPORT Pg 3 of 6

Unit		Total Lanes in Roadway	Legal Speed	Pedestrian / Pedalcyclist Only				Was the collision in or near a construction, maintenance or utility work zone? (If yes, complete this section)	
Unit 1	Unit 2			Actions Prior to Collision	Location at Time of Collision	Safety Equip.	Unit Number of Vehicle Striking	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
01	04	40							
02	04	40							
This unit will correspond to 'Unit 1'								Type of Work Zone	
This unit will correspond to 'Unit 2'								Location of the Work Zone Collision	
Light		1	What Vehicle Was Going to Do	Unit 1	Unit 2	Override/Override		1 Lane Closure <input type="checkbox"/>	
1 Daylight		02	00 Not Applicable	01	01	0 Not Applicable		2 Lane Shift/Crossover <input type="checkbox"/>	
2 Dark-Not Lighted		01	01 Go Ahead			2 Under/Under or Override		3 Work on Shoulder or Median <input type="checkbox"/>	
3 Dark-Lighted		02	02 Turn Left			3 Under/Under, No		4 Intermittent or Moving Work <input type="checkbox"/>	
4 Dawn		03	03 Turn Right			4 Under/Under, Compartment		5 Unknown <input type="checkbox"/>	
5 Dusk		04	04 Make "U" Turn			5 Under/Under, Compartment		1 Before the First Work Zone Warning Sign <input type="checkbox"/>	
6 Dark-Unknown		05	05 Stop			6 Under/Under, Compartment		2 Advance Warning Area <input type="checkbox"/>	
Lighting		06	06 Slow for Cause			7 Under/Under, Compartment		3 Transition Area <input type="checkbox"/>	
7 Other		07	07 Start from Park/Stop			8 Under/Under, Compartment		4 Activity Area <input type="checkbox"/>	
8 Unknown		08	08 Change Lanes			9 Under/Under, Motor Vehicle		5 Termination Area <input type="checkbox"/>	
Weather		09	09 Overtake			0 Override, Other Motor Vehicle		9 Unknown <input type="checkbox"/>	
01 Clear		10	10 Pass			1 Unknown		Workers Present Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown <input type="checkbox"/>	
02 Fog/Smog/Smoke		11	11 Back			0 No Control			
03 Cloudy		12	12 Remain Stopped			01 Stop Sign			
04 Rain		13	13 Remain Parked			02 Traffic Signal			
05 Snow		14	14 Enter/Merge in Traffic			03 Flashing Traffic Signal			
06 Steel/Hail (Freezing Rain/Drizzle)		15	15 Negotiate a Curve			04 School Zone Signs			
07 Severe Crosswind		16	16 Park			05 Yield Sign			
08 Blowing Snow		17	17 Other			06 Warning Sign			
09 Blowing Sand, Soil, Dirt		18	18 Unknown			07 Railroad Advance Warning Sign			
10 Other		19	19 Unknown			08 Railroad Cross Bucks			
99 Unknown		20	20 Unknown			09 Railroad Gates			
Locality		21	21 Unknown			10 Railroad Signal			
1 Residential		22	22 Unknown			11 No Passing Zone			
2 Business		23	23 Unknown			12 Person (including flagger, law enforcement, crossing guard, etc.)			
3 Industrial		24	24 Unknown			13 Abnormal Control			
4 School		25	25 Unknown			14 Other			
5 Not Built-up		26	26 Unknown			99 Unknown			
6 Mixed Use		27	27 Unknown						
7 Other		28	28 Unknown						
8 Unknown		29	29 Unknown						
Type of Intersection		30	30 Unknown						
0 Not an Intersection		31	31 Unknown						
1 Y-Intersection		32	32 Unknown						
2 T-Intersection		33	33 Unknown						
3 Four-Way Intersection		34	34 Unknown						
4 Five-Point or More Intersection as Part of Interchange		35	35 Unknown						
5 Traffic Circle		36	36 Unknown						
6 Roundabout		37	37 Unknown						
7 Unknown		38	38 Unknown						
Incident Type		39	39 Unknown						
00 Not an Incident		40	40 Unknown						
51 Private Property		41	41 Unknown						
52 Deliberate Intent		42	42 Unknown						
53 Medical Condition		43	43 Unknown						
54 Legal Intervention		44	44 Unknown						
55 Suicide		45	45 Unknown						
57 Drowning		46	46 Unknown						
58 Other		47	47 Unknown						
Location of First Harmful Event		48	48 Unknown						
01 On Roadway		49	49 Unknown						
02 Shoulder		50	50 Unknown						
03 Median		51	51 Unknown						
04 Roadside		52	52 Unknown						
05 Goro		53	53 Unknown						
06 Separator		54	54 Unknown						
07 Parking Lane/Zone		55	55 Unknown						
08 Off Roadway, Location Unknown		56	56 Unknown						
09 Outside Right-of-Way		57	57 Unknown						
10 Other		58	58 Unknown						
99 Unknown		59	59 Unknown						
Driver Distracted by		60	60 Unknown						
0 Not Applicable/None		61	61 Unknown						
1 Electronic Communication Devices		62	62 Unknown						
2 Other Electronic Device		63	63 Unknown						
3 Other Inside Vehicle		64	64 Unknown						
4 Other Outside Vehicle		65	65 Unknown						
9 Unknown		66	66 Unknown						
Road Surface Type		67	67 Unknown						
1 Concrete		68	68 Unknown						
2 Asphalt		69	69 Unknown						
3 Gravel		70	70 Unknown						
4 Dirt		71	71 Unknown						
5 Brick		72	72 Unknown						
6 Other		73	73 Unknown						
9 Unknown		74	74 Unknown						
Road Character		75	75 Unknown						
1 Grade		76	76 Unknown						
2 Hillcrest		77	77 Unknown						
3 Uphill		78	78 Unknown						
4 Downhill		79	79 Unknown						
5 Sag (bottom)		80	80 Unknown						
Road Alignment		81	81 Unknown						
1 Straight		82	82 Unknown						
2 Curve - Left		83	83 Unknown						
3 Curve - Right		84	84 Unknown						
Special Function of Vehicle		85	85 Unknown						
00 Not Applicable		86	86 Unknown						
01 School Bus		87	87 Unknown						
02 Transit Bus		88	88 Unknown						
03 Intercity Bus		89	89 Unknown						
04 Charter Bus		90	90 Unknown						
05 Other Bus		91	91 Unknown						
06 Military		92	92 Unknown						
07 OHP		93	93 Unknown						
08 Other Police		94	94 Unknown						
09 Other Law Enforcement		95	95 Unknown						
10 Ambulance		96	96 Unknown						
11 Fire Truck		97	97 Unknown						
12 Public Owned Vehicle		98	98 Unknown						
13 Highway Equipment		99	99 Unknown						
14 Special Mobilized Machine									
15 Other									
Emergency Vehicle Responding to an Emergency									
0 N/A									
1 Yes									
2 No									
9 Unknown									
Point of First Contact on Vehicle									
03									
Most Damaged Area									
03									
00 Not Applicable									
13 Top									
14 Undercarriage									
99 Unknown									

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Case Number	2018047725		Pg	4	of	6
Latitude	36.0753	N	Longitude	-95.9580	W	Railroad Crossing Number
Unit Number	01	NE	Unit Number	02	NE	Roadway Orientation
	SW	N		SW	S	



COLLISION EVENTS

Unit	First Event	Second Event	Third Event	Fourth Event	Most Harmful Event	First Harmful Event for this Collision
01	34	00	00	00	34	34
02	34	00	00	00	34	

00 Not Applicable	21 Fell/Jumped From Motor Vehicle
10 Overturn/Rollover	22 Thrown Or Falling Object
11 Fire/Explosion	23 Other Non-Collision
12 Immersion	PERSON, MOTOR VEHICLE, OR NON-FIXED OBJECT:
13 Jackknife	30 Pedestrian
14 Cargo/Equipment Loss or Shift	31 Pedal Cycle
15 Equipment Failure (Blown Tire, Brake Failure, etc.)	32 Railway Vehicle (train, engine)
16 Separation of Units	33 Animal
17 Departed Road Right	34 Motor Vehicle In Transport
18 Departed Road Left	35 Parked Motor Vehicle
19 Cross Median/Centerline	36 Struck by Falling, Shifting Cargo or Anything Set in Motion by Motor Vehicle
20 Downhill Runaway	

- | | |
|-------------------------------------|-----------------------------------|
| 37 Work Zone/Maintenance Equipment | 56 Pavement Drop-Off |
| 38 Other Non-Fixed Object | 57 Ditch |
| FIXED OBJECT: | 58 Embankment |
| 40 Barrier (Cable) | 59 Tree (Standing) |
| 41 Barrier (Concrete) | 60 Dividing Strip |
| 42 Barrier (Other) | 61 Retaining Wall |
| 43 Fence Pole | 62 Bridge Abutment |
| 44 Fence | 63 Bridge Pier or Support |
| 45 Traffic Signal Support | 64 Bridge Rail |
| 46 Traffic Sign Support | 65 Bridge Post |
| 47 Utility Pole/Light Support | 66 Bridge Curb |
| 48 Other Post/Pole/Support | 67 Bridge Super Structure (Beams) |
| 49 Guardrail/Guardrail Face | 68 Bridge Overhead Structure |
| 50 Guardrail End | 69 Delineator |
| 51 Culvert | 70 Mailbox |
| 52 Curb | 71 Other Fixed Object |
| 53 Island | 72 Other Highway Structure |
| 54 Sand Barrels | 73 Ground |
| 55 Impact Attenuator/ Crash Cushion | 99 Unknown |

Remarks

<location>36.0752843,-95.957975,city_street</location>SEE SUPPLEMENTAL NARRATIVE PAGE:

This report is based on the officer's investigation of this collision. This report may contain the opinion of the officer.

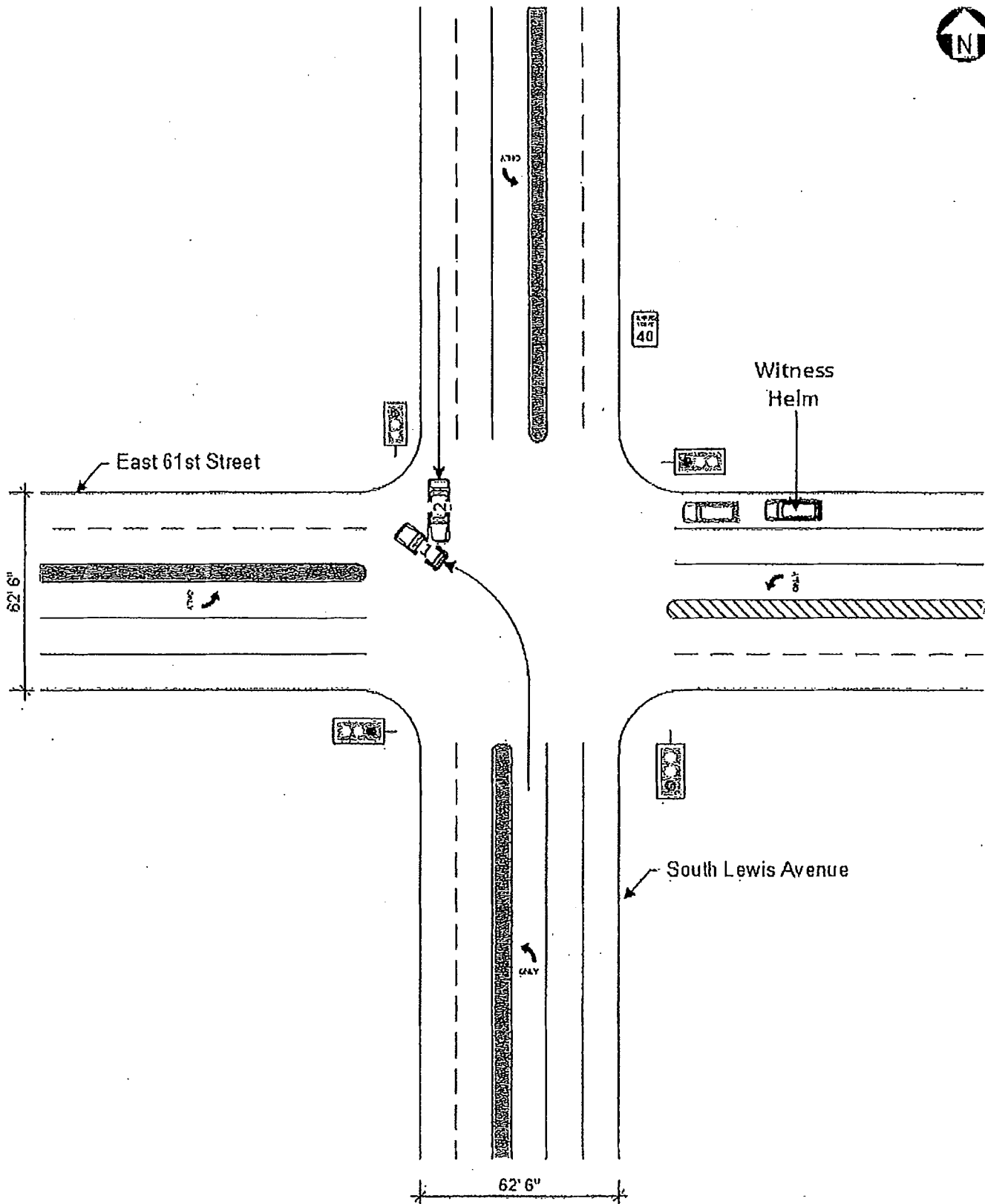


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OFFICIAL OKLAHOMA TRAFFIC COLLISION REPORT
DIAGRAM SUPPLEMENTAL

Case Number 2018047725

Pg 5 of 6



Case Number 2018047726

OFFICIAL OKLAHOMA TRAFFIC COLLISION REPORT
ADDITIONAL NARRATIVE

Pg 6 of 6

ON 08/08/2018 AT 1616 HOURS I WAS RADIO ASSIGNED TO INVESTIGATE A COLLISION WITH INJURY AT 6100 S. LEWIS AVENUE. UPON ARRIVAL I OBSERVED BOTH VEHICLES WERE STILL IN THE ROAD. AFTER THE VEHICLES WERE MOVED TO A PARKING LOT I SPOKE WITH EACH DRIVER AND RECEIVED THE FOLLOWING ACCOUNTS.

DRIVER OF UNIT 2 SUMMARY:

THE DRIVER OF UNIT 2, TERESA SMITH, SAID SHE THEY WERE TRAVELING SOUTHBOUND ON SOUTH LEWIS AVENUE IN THE OUTSIDE LANE. SHE SAID THEY WERE PROCEEDING THROUGH THE INTERSECTION OF EAST 61ST STREET WITH A GREEN LIGHT WHEN UNIT 1 TURNED IN FRONT OF HER VEHICLE. SMITH INDICATED THERE WAS NOTHING SHE COULD DO TO AVOID THE COLLISION.

DRIVER OF UNIT 1 SUMMARY:

THE DRIVER OF UNIT 1, CHRISTOPHER RATHGEBER, INDICATED HE WAS TRAVELING NORTHBOUND ON SOUTH LEWIS AVENUE AND WANTED TO MAKE A LEFT HAND TURN. HE SAID HE WAS SITTING AT THE LIGHT WHEN IT CYCLED TO A GREEN ARROW. HE SAID HE DID NOT SEE UNIT 2 APPROACHING AND BEGAN TO TURN. RATHGEBER SAID THE COLLISION OCCURRED WHILE HE WAS MAKING A LEFT HAND TURN WITH A GREEN ARROW.

WITNESS SUMMARY:

DAVID HELM WAS A WITNESS TO THE COLLISION AND I OBTAINED HIS PHONE NUMBER FROM DISPATCH. I SPOKE WITH HIM BY PHONE AND RECEIVED THE FOLLOWING INFORMATION.

HELM SAID HE WAS THE SECOND VEHICLE STOPPED FACING WESTBOUND IN THE FAR RIGHT LANE. HE SAID HIS LIGHT TURNED RED AS HE WAS PULLING UP. HELM SAID HIS LIGHT WAS STILL RED WHEN HE HEARD TIRES SCREECH AND THEN SAW THE COLLISION. HE SAID WITHIN 3-5 SECONDS HIS LIGHT TURNED FROM RED TO GREEN.

INJURY INFORMATION:

SMITH REPORTED EXTERNAL CHEST PAIN. PASSENGER WILLIAMS REPORTED KNEE PAIN FROM STRIKING THE GLOVE BOX. BOTH LADIES REFUSED EMSA.

CITATION INFORMATION:

AFTER SPEAKING WITH WITNESS HELM, I WALKED BACK TO THE INTERSECTION AND WATCHED HOW THE LIGHTS CYCLED. I WATCHED MULTIPLE CYCLES AND OBSERVED THE LEFT TURN ARROW WAS ALWAYS AT THE BEGINNING OF THE CYCLE. BASED ON HELM'S OBSERVATION THE COLLISION TOOK PLACE AT THE VERY END OF THE CYCLE RATHGEBER WAS ISSUED E-CITATION 7429381 FOR FAILURE TO YIELD WHILE TURNING LEFT.

AOI INFORMATION:

~6' EAST OF THE WEST EDGE OF ROADWAY OF SOUTH LEWIS AVENUE AND ~13' SOUTH OF THE NORTH EDGE OF ROADWAY EAST 61ST STREET. UNIT 2 LEFT ~22' OF PRE-IMPACT SKID.



Appendix B. Life Expectancy Tables

Table I
(Single Life Expectancy)
(For Use by Beneficiaries)

Age	Life Expectancy	Age	Life Expectancy
0	82.4	28	55.3
1	81.6	29	54.3
2	80.6	30	53.3
3	79.7	31	52.4
4	78.7	32	51.4
5	77.7	33	50.4
6	76.7	34	49.4
7	75.8	35	48.5
8	74.8	36	47.5
9	73.8	37	46.5
10	72.8	38	45.6
11	71.8	39	44.6
12	70.8	40	43.6
13	69.9	41	42.7
14	68.9	42	41.7
15	67.9	43	40.7
16	66.9	44	39.8
17	66.0	45	38.8
18	65.0	46	37.9
19	64.0	47	37.0
20	63.0	48	36.0
21	62.1	49	35.1
22	61.1	50	34.2
23	60.1	51	33.3
24	59.1	52	32.3
25	58.2	53	31.4
26	57.2	54	30.5
27	56.2	55	29.6



Appendix B. (Continued)

Table I
(Single Life Expectancy)
(For Use by Beneficiaries)

Age	Life Expectancy	Age	Life Expectancy
56	28.7	84	8.1
57	27.9	85	7.6
58	27.0	86	7.1
59	26.1	87	6.7
60	25.2	88	6.3
61	24.4	89	5.9
62	23.5	90	5.5
63	22.7	91	5.2
64	21.8	92	4.9
65	21.0	93	4.6
66	20.2	94	4.3
67	19.4	95	4.1
68	18.6	96	3.8
69	17.8	97	3.6
70	17.0	98	3.4
71	16.3	99	3.1
72	15.5	100	2.9
73	14.8	101	2.7
74	14.1	102	2.5
75	13.4	103	2.3
76	12.7	104	2.1
77	12.1	105	1.9
78	11.4	106	1.7
79	10.8	107	1.5
80	10.2	108	1.4
81	9.7	109	1.2
82	9.1	110	1.1
83	8.6	111 and over	1.0